

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

_____	)	
SKYLINE SOFTWARE SYSTEMS, INC.,	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 04-1129-DPW
	)	
KEYHOLE, INC. and GOOGLE, INC.,	)	
Defendants.	)	
_____	)	

**DECLARATION OF H. JOSEPH HAMELINE, ESQ.**

I, H. Joseph Hameline, on oath depose and state that:

1. I am counsel for Plaintiff Skyline Software Systems, Inc. in this action and I submit this declaration in support of Skyline's Motion for a Preliminary Injunction.

2. On Skyline's behalf, on May 28, 2004, I sent a letter to John Hanke of Defendant Keyhole, Inc., putting Keyhole on notice of its infringement of Skyline's patent, U.S. Patent No. 6,496,189. Skyline never received a substantive non-infringement response from Keyhole. As a result, this litigation followed.

3. The Court conducted a Scheduling Conference in this case on December 20, 2004. At the Scheduling Conference, the Court set a discovery schedule for the claim construction phase of this proceeding. The parties are awaiting the Court's claim construction ruling. As a result, to date, no substantive discovery has been conducted. Defendants have not provided any discovery to Skyline relating to the design and operation of their accused products and have refused to provide any statement to Skyline as to how its accused products do not infringe the '189 Patent.

4. In addition to their refusal to provide any explanation as to why the Google Earth products do not infringe the '189 Patent, Defendants have similarly refused to provide Skyline with any detailed statement of their invalidity position. To date, Defendants have refused to provide Skyline with any articulated basis for its assertion that the '189 Patent is allegedly invalid, either prior to or during the litigation. In fact, Defendants have not alleged with any specificity that any single document constituting alleged prior art contains, within its four corners, each element of the claimed invention.

5. Attached hereto as Exhibit 1 is a true and accurate copy of the ClickZ News article "Google Adds Mapping Technology" dated October 27, 2004, by Kevin Newcomb.

6. Attached hereto as Exhibit 2 is a true and accurate copy of the Internet News article "Google Unfolds 3D Mapping Acquisition" dated October 27, 2004, by Colin Haley and Susan Kuchinskas.

7. Attached hereto as Exhibit 3 is a true and accurate copy of the Google Earth "Industries" Web Page.

8. Attached hereto as Exhibit 4 is a true and accurate copy of the Evening Standard article "Top 10 FREE Downloads" dated November 7, 2005, by Alistair Foster.

9. Attached hereto as Exhibit 5 is a true and accurate copy of the Google "Industry Awards and Accolades for Google" Web Page.

10. Attached hereto as Exhibit 6 is a true and accurate copy of the CHIP Online article (German), obtained from the website [www.earth.google.com](http://www.earth.google.com).

11. Attached hereto as Exhibit 7 is a true and accurate copy of the '189 Patent.

12. Attached hereto as Exhibit 8 is a true and accurate copy of the NewsFactor Business Report Article “Google Buys Digital Mapping Company” drafted October 27, 2004, by Robin Arnfield.

13. Attached hereto as Exhibit 9 is a true and accurate copy of Screenshots of the Skyline product.

14. Attached hereto as Exhibit 10 is a true and accurate copy of Screenshots of the Google Earth product.

15. Attached hereto as Exhibit 11 is a true and accurate copy of the Google “Which version of Google Earth is right for you?” Web Page.

16. Attached hereto as Exhibit 12 is a true and accurate copy of the Keyhole Products Web Page.

17. Attached hereto as Exhibit 13 is a true and accurate copy of “Using Keyhole 2 PRO/EC Version 2.2.”

18. Attached hereto as Exhibit 14 is a true and accurate copy of “Keyhole 2 LT/NV Quickstart Guide.”

19. Attached hereto as Exhibit 15 is a true and accurate copy of relevant portions of Defendants’ Responsive Claim Construction Brief, filed March 25, 2005.

20. Attached hereto as Exhibit 16 is a true and accurate copy of Google Earth “3D Interface to the planet” Web Page.

21. Attached hereto as Exhibit 17 is a true and accurate copy of Keyhole “Getting Started” Web Page.

22. Attached hereto as Exhibit 18 is a true and accurate copy of Defendants’ Response to Interrogatories 11, 12, dated January 24, 2005.

23. Attached hereto as Exhibit 19 is a true and accurate copy of SRI International's objections to Defendants' subpoena *duces tecum*, served March 7, 2005.

24. Attached hereto as Exhibit 20 is a true and accurate copy of Google Earth "Enterprise - Overview" Web Page.

25. Attached hereto as Exhibit 21 is a true and accurate copy of Google Earth "Product Tour" Web Page.

26. Attached hereto as Exhibit 22 is a true and accurate copy of Google Earth Image <http://earth.google.com/images/sdin3d.jpg>, as available on Dec. 21, 2005.

Signed under the penalties of perjury this 4th day of January 2006.

/s/ H. Joseph Hameline

H. Joseph Hameline

**Certificate of Service**

I hereby certify that on January 4, 2006, I caused a true and accurate copy of the foregoing document to be served upon all counsel of record for each party, by complying with this Court's Administrative Procedures for Electronic Case Filing.

/s/ H. Joseph Hameline

H. Joseph Hameline, BBO # 218710

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